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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,166	07/11/2001	Niko Drakoulis	AKI-100-B	2153

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EXAMINER
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FAULK, DEVONA E

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/903,166

Applicant(s)

DRAKOULIS ET AL.

Examiner

Devona E. Faulk

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-10 is/are allowed.
- 6) ☒ Claim(s) 1-4 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 2/7/2005, with respect to the rejection(s) of claim(s) 1-4, 11 and 12 under 102 (b) and 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Mohindra.
2. The applicant has filed and the office has received the terminal disclaimer needed to overcome the non-statutory double patent rejection in the last office action.
3. The applicant has cancelled claims 5 and 6 and rewritten previously objected to claims 7, 13 and 14 in dependent form.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. The drawings fails to show "including at least one of a sound generator circuit coupled to the central processor for generating audio frequency signals from a central processor output and a video generator circuit coupled to the central processor for generating video images from a central processor output" as recited in claim 13. Therefore, the above recited claim language must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. **Claims 13 and 14** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 13 recites, "including at least one of a sound generator circuit coupled to the central processor for generating audio frequency signals from a central processor output and a video generator circuit coupled to the

central processor for generating video images from a central processor output".

Although the specification discloses the signal source capable of providing audio and video signals (paragraphs 0036, 0073), the specification does not disclose the claim language recited above.

7. **Claim 14** recites a recording means "for demodulating" and "means for outputting the stored demodulated first frequency signal". The recorder, 190, as disclosed in the specification has the capability of receiving, storing and re-outputting digital and/or analog signals (paragraph 0073). The specification does not disclose that the recorder demodulates the first modulated signal.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-4, 12 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Borchardt et al. (U.S. Patent 5,666,658) in view of Mohindra (US 6,922,555).

Regarding **claim 1**, Borchardt discloses a wireless signal transmission system for use with a signal source providing first frequency signals, the signal transmission apparatus comprising:

a first transmitter adapted to be coupled to a signal source for receiving first frequency signals, the first transmitter connected to an antenna (22, Figure 1; 70, Figure 2A; column 5-15,25-30;

a first oscillator (200; Figure 6) in the first transmitter producing a high frequency carrier signal (column 14, lines 35-49);

means for combining the high frequency carrier signal with the first frequency signals to form a first modulated signal transmitted by the antenna (216, column 14, lines 61-65);

a first receiver ( Figure 7, column 14, lines 44-45) remote from the first receiver for converting the first modulated signal from the high frequency carrier signal of the first transmitter to a second modulated signal including a lower frequency carrier signal in the low end of the FM broadcast frequency band and the first frequency signal (column 14, lines 40-44 and line 61-column 15, line 8).

Borchardt fails to disclose but Mohindra teaches of converting to a lower signal in two frequency conversion steps (column 2, lines 30-32 and 35-37). It would have been obvious to modify Borchardt by converting in two frequency conversion steps as taught by Mohindra in order to provide a receiver capable of using the advantages of limiting the IF signal, to keep distortion in the demodulated signal small.

All elements of **claim 2** are comprehended by the rejection of claim 1 (Borchardt, column 14, lines 24-30).

All elements of **claim 3** are comprehended by the rejection of claim 2 (Borchardt, column 14, lines 25-35).

All elements of **claim 4** are comprehended by the rejection of claim 2 (Borchardt, column 14, lines 24-35).

All elements of **claims 12 and 15** are comprehended by the rejection of claim 1 (Borchardt, column 7, lines 51-55).

10. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Borchardt et al. (U.S. Patent 5,666,658) in view of Mohindra (US 6,922,555) in further view of Giffin et al. (U.S. Patent Application 2003/0005138).

Regarding **claim 11**, Borchardt as modified by Mohindra fails to disclose but Giffin teaches wherein the signal source comprises a computer generated audio signal stream. Griffin discloses a wireless streaming audio transmission system having a computer generated audio signal stream as the signal source (Figure 3). Borchardt gives examples of what the signal source can be but does exclude the signal sources to those examples (column 7, lines 50-55). Thus it would have been obvious to one of ordinary skill in the art at the time of the invention to use Giffin's concept of a computer-generated audio signal stream as a signal source in order to provide an audio player that is free of the need for local storage of music files.

#### ***Claim Objections***

11. **Claim 16** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Allowable Subject Matter***

12. **Claim 7** was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The applicant has rewritten claim 7 in independent form.

13. **Claims 8-10** are allowable due to dependency on claim 7.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devona E. Faulk whose telephone number is 571-272-7515. The examiner can normally be reached on 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**VIVIAN CHIN**  
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